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C O N F I D E N T I A L SECTION 01 OF 02 VIENNA 000792

SIPDIS

STATE FOR EUR/ERA AND EUR/AGS

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TAGS: [PREL](#) [ETTC](#) [PTER](#) [HR](#) [CH](#) [LE](#) [KPAL](#) [SU](#) [RS](#) [GG](#) [AU](#) [EUN](#)  
SUBJECT: DEMARCHE TO AUSTRIA ON MARCH 16 EU FOREIGN  
MINISTERS MEETING

REF: A. (A) STATE 39909

- [B. \(B\)](#) STATE 39018
- [C. \(C\)](#) STATE 34900
- [D. \(D\)](#) VIENNA 719
- [E. \(E\)](#) VIENNA 607

Classified By: Economic-Political Counselor Gregory E. Phillips. Reason: 1.4 (b) and (d).

[¶1.](#) (SBU) On March 10, EconPolCouns and Pol Unit Chief presented ref (a) points to Andreas Riecken, the Austrian Foreign Ministry's new EU Affairs director.

[¶2.](#) (C) Riecken made the following substantive comments:

-- On the EU's China arms embargo, Riecken said the issue was not supposed to arise at the March 16 GAERC. On the substance of the issue, made the now-familiar defense of lifting the embargo: the embargo itself does not stop arms sales; a strengthened code of conduct and improved toolbox offer the protections we are seeking; there is no desire to increase arms sales to China in any event; and, in the Austrian case, national restrictions on arms sales would be more effective than any EU-wide measures. We stressed that the issue could be a major problem in transatlantic relations, especially in view of the strong Congressional reaction to any lift. We pointed out that both the human rights situation in China and the regional strategic balance, in which the U.S. had a direct stake, argued strongly for retaining both the political and practical effects of an embargo -- along with other practical measures. China's recent actions and statements, particularly as regards Taiwan and Australia, hardly supported softer measures, we pointed out.

-- On Croatia, Riecken said that the decision as to whether to proceed with accession negotiations was up to the ministers. He pointed out that the decision required unanimity, implying that the most strict definition of the requirement for Croatia to cooperate with ICTY would prevail.

He noted that the March 10 COREPER meeting would be important, since the issue was now an enlargement (General Affairs) issue as opposed to a CFSP question. Riecken said Austria had some sympathy for the Croatian position, noting that Gotovina has a French passport and could well be outside Croatia. However, Riecken said, "Carla del Ponte's position counts." (Note: During her March 10 visit to Vienna, Croatian Foreign Minister Grabar Kotarovic said, "there's no available information that shows that Gotovina is in Croatia," but Croatia would "continue the search with the services of other countries." She added, "Croatia's responsibility for full cooperation with the Hague court does not end" whether or not Gotovina is in the Hague by March 17.

Austrian Foreign Minister Ursula Plassnik pronounced herself "confident" that EU countries would come to a consensus to begin negotiations with Croatia on March 17. End note.) We stressed that it was important that the EU hold Croatia to the condition that Gotovina be delivered to the Hague.

-- On Sudan, Riecken said there was probably going to be a GAERC discussion of ways to support the AU Mission in Sudan and provide further assistance. On the question of a court, Riecken said Austria supported the International Criminal Court as the most effective instrument. He said the Austrian view was that a UNSC-created court sharing the Rwanda tribunal's infrastructure would cost too much. However, he noted that it was the UNSC which would have to decide to empower the ICC to address Sudan, and he said he understood that it was unlikely that the U.S. would permit that to happen.

-- On Russia, Riecken said there were no plans for a GAERC discussion of the Moldova and Georgia issues. There would, however, be discussion of the EU's discussion of the "four spaces" under its Partnership and Cooperation program with Russia.

-- On Syria and Lebanon, Riecken said he understood that there would be a discussion on the "Middle East," but he acknowledged that it would most likely focus on Lebanon/Syria. We deployed ref (b) and (c) points. Riecken said Austria very much agreed with ref (b)'s call for Syrian

withdrawal from Lebanon, international observers for Lebanon's April elections, and cooperation with the Hariri assassination investigation (see ref d for a report of the Ambassador's demarche on this issue). He also reiterated that Austria agreed entirely with our call for the EU to list Hizballah in its entirety as a terrorist organization (see also ref e).

Brown